REMARKS

The first Office Action, mailed June 30, 2004, considered and rejected claims 1-50 under 35 U.S.C. § 103(a) as being unpatentable over Richter (U.S. Patent No. 5,630,061) in view of Ducey ("Multimedia Broadcasting and the Internet") and further in view of a combination of Jones (U.S. Patent No. 6,216,173), Mohammed (U.S. Patent No. 6,041,356) and Stalker (U.S. Publication No. US2002/009186)[1].

By this paper, claims 11 and 31-49 have been amended, while claims 1-10, 18 and 20-30 have been cancelled, and new claims 51-61 have been added. Accordingly, claims 11-17, 19, and 31-61 remain pending, of which claims 11, 31, 42 and 54 are the independent claims at issue.

As generally reflected in the claims the present invention relates to collecting and presenting broadcast data that is embedded in the one or more television broadcasts to one or more applications. The method and corresponding computer program product recited in claims 11 and 54, respectively, include receiving a request from an application for broadcast data that specifies a type of data requested, a video port from which the requested data should be received, and any filtering that should be performed on the data. The broadcast data is then captured from at one or more video ports by one or more respective broadcast data sources that each comprises a driver having means for decoding the broadcast data. Thereafter, the captured broadcast data is delivered to a miniport comprising means for differentiating and separating the requested broadcast data from the captured broadcast data, means for differentiating between compliant broadcast data and non-compliant broadcast data, and means for encapsulating non-compliant broadcast data with appropriate headers so as to be compliant. Next, the broadcast data is

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[1] Claims 1-3, 8, 20-22, 25, 26, 31-34 and 39-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richter in view of Ducey. Claims 4-6 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richter and Ducey and further in view of Jones. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Richter and Ducey, and further in view of Mohammed. Claims 9, 10 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richter and Ducey and further in view of Stalker. Claims 11, 14, 16-19, 27, 29, 30, 35-38 and 46-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richter, Ducey and Stalker. Claims 21 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richter, Ducey and Stalker, and further in view of Jones. Claims 15 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richer, Ducey and Stalker, and further in view of Mohammed. Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

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by the broadcast data source, means for differentiating between compliant broadcast data and non-compliant broadcast data, and means for encapsulating non-compliant broadcast data with appropriate headers so as to be compliant, as claimed. This is particularly true when considering that the broadcast data is collect by one or more broadcast data sources that collect the broadcast data that is embedded in broadcasts that are received at one or more video ports.

To the contrary, Richter does not even address video ports. Richter also fails to provide any motivation for using video ports. Instead, Richter is directed to "an extension of a standard local area network based architecture to allow connections from a remote workstation to a local area network over a switched network such as the public switched telephone network (PSTN)." Col. 1, ll. 9-14. Accordingly, even if, *arguendo*, Ducey did teach the use of video ports and corresponding drivers to collect embedded broadcast data there is no motivation to combine Ducey with Richter provided in the art itself, as required by statute.

Furthermore, even if a motivation is found within the art to combine Richter and Ducey, Applicants respectfully submit that the combination of these references teaches or suggests the claimed invention, as described in the amended claims, for at least the reasons identified above.

Stalker, the only other reference that was used to reject the independent claims (specifically claim 11), also fails to disclose or suggest the claimed invention, either singly or in combination with Ducey and Richter. Stalker was cited for the proposition that a system can include a presenter to prepare the incoming broadcast data to make it immediately accessible. However, it is unclear whether the Examiner is suggesting that the interest manager 36 or the data source processor 42 comprises an equivalent to the presenter.[2] Nevertheless, in either regard, the cited disclosure in Stalker clearly fails to teach or suggest a presenter that comprises means for obtaining the broadcast data from both Winsock and a RawData interface, as claimed. This functionality, which is shown in Figure 2, and described throughout the application, can provide "delivery independence," which is neither described or suggested by Stalker (p. 26, ll. 11-12).

Inamsuch as each of the independent claims have been distinguished from the art of record, for at least the foregoing reasons, Applicants respectfully submit that the corresponding

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[2] If the Examiner maintains this rejection based on Stalker, Applicants respectfully request that the Examiner identify which component(s) in Stalker the Examiner considers to be analogous to the Applicant's presenter, such that the Applicants will have a fair opportunity to respond.

transferred from the miniport to a common application interface, where it is retrieved by a presenter and prepared for presentation to the application, and as specified by the application.

The embodiments recited in claims 31 and 42 are similarly directed to collecting the broadcast data from one or more broadcast data sources. In these claims, however, the recited method includes making a function call of a broadcast data source interface, wherein the broadcast data source interface permits the one or more broadcast data sources to interface with a broadcast data source miniport, wherein each of the one or more broadcast data sources comprises a driver having means for receiving and decoding the broadcast data that is embedded within television broadcasting and that is received at one or more video ports by the one or more respective broadcast data sources. As further recited, the miniport comprises means for differentiating and separating broadcast data requested by one or more applications from the broadcast data captured by the broadcast data source, means for differentiating between compliant broadcast data and non-compliant broadcast data, and means for encapsulating non-compliant broadcast data with appropriate headers so as to be compliant. The recited method also includes executing the function by the broadcast data source interface.

Accordingly, as now recited in the pending claims, it is clear that the broadcast data sources comprise drivers that obtain the broadcast data from broadcasting that is received at one or more video ports. Thereafter, the data is transmitted to a miniport that comprises means for differentiating and separating broadcast data requested by one or more applications from the broadcast data captured by the broadcast data source, means for differentiating between compliant broadcast data and non-compliant broadcast data, and means for encapsulating non-compliant broadcast data with appropriate headers so as to be compliant.

Applicants respectfully submit that such a system and method having broadcast data sources and a miniport, as recited above, is neither anticipated by nor made obvious by the art of record, either singly or in combination.

The Examiner has cited Richter as purportedly teaching a system and method using a miniport (NDIS Protocol Manager 56 and ANDIS-NDIS layer, and the ARCCI 68). However, even if these components could be construed as a driver that interfaces with an NDIS layer, as the Examiner suggests, they fail to disclose or suggest the functionality claimed in the pending claims. In particular, these components fail to teach or suggest means for differentiating and separating broadcast data requested by one or more applications from the broadcast data captured
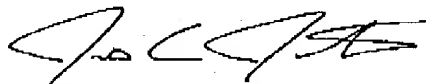
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dependent claims should also be found to be distinguished over any combination of Richter, Ducey and Stalker. Furthermore, inasmuch as the other cited art of record was only used to reject the dependent claims, the merits of those rejections and the purported teachings of those references will not be addressed at this time because the dependent claims should be found allowable for at least the same reasons discussed above with regard to the independent claims.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that all of the pending claims 11-17, 19, and 31-61 are now in condition for prompt allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 30 day of September 2004.

Respectfully submitted,

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